

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Charles Gregory Price,) Civil Action No.: 6:10-991-RBH-BHH
)
Plaintiff,)
)
vs.) **REPORT AND RECOMMENDATION**
) **OF MAGISTRATE JUDGE**
Woodsmart Solutions, Inc., et al.)
)
Defendants.)

This matter is before the Court on the defendant Bluwood USA, Inc.'s motion to dismiss [Doc 7.] and defendant Adolph Morando's motion to dismiss [Doc. 8], both of which were filed on April 21, 2010.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(A), and Local Rule 73.02(B)(2)(e), D.S.C., all pretrial matters in cases involving pro se litigants are referred to a United States Magistrate Judge for consideration.

On July 1, 2010, a hearing was held on a Motion to Withdraw [Doc 22] filed by the attorneys for defendants Bluwood USA, Inc., Formula One Technologies, LLC, and Adolph Morando. The party defendants were given notice of the motion but made no response and were not otherwise in attendance at the hearing. Following that hearing, the motion was granted, the defendants were given thirty (30) days to obtain counsel, and the deadlines in the case were stayed until such time as the defendants retained new counsel. [See Doc. 32.]

It seems prudent, however, in the interim, to deny the defendants' pending motions to dismiss with leave to re-file them at a later time. The *pro se* plaintiff has not yet responded to them and, as stated, the party defendants are not currently participating in this case. In all, there are presently no attorneys in this matter and the parties themselves

do not appear active. Certainly, at some later time, the defendants may renew their motions to dismiss either after consultation with new counsel or on their own, as the law of self-representation permits.

Wherefore, it is RECOMMENDED that defendants' motions to dismiss [Docs 7 and 8] be DENIED *without prejudice* to their substantive arguments and with leave to renew them at a later time.

IT IS SO RECOMMENDED.

s/Bruce H. Hendricks
United States Magistrate Judge

July 22, 2010
Greenville, South Carolina

The parties' attention is directed to the important notice on the next page.